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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, CJ. &
HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION (C) No.2112 of 2007

PETITIONER Rajendra Singh, Through the Power of attorney holder Kumar Nagendra S/o Shri Rajendra Singh, aged about 29 years, R/o Uttari Krishnapuri, Patna Sadar, Police Station – Shrikrishnapuri, Patna (Bihar)

Versus

RESPONDENTS

1. State of Chhattisgarh, through the Secretary, Works Department D.K.S. Bhawan (C.G.)
2. Engineer in Chief Public Works Department Sirpur Bhawan, Raipur.
3. Superintendent Engineer, National High Way Reason, Raipur (C.G.)
4. Executive Engineer, Public Works Department, National Highway Division Jagdalpur, District Baster (C.G.)

Writ petition under Article 226/227 of Constitution of India.

Present : Shri Prateek Sharma, counsel for the petitioner.
Shri Sumesh Bajaj, G.A. for the State/respondents.

ORAL ORDER
(Passed on 10th April, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

The matter is listed for admission. By the consent of learned counsel for the parties, the matter is taken up for final disposal.

(2) The petitioner in this petition filed under Articles 226/227 of the Constitution of India calls in question the order passed by the respondent No.4 dated 09-02-2007 and the advertisement issued by respondent No.4 dated 16-03-2007 on the ground that the same are arbitrary and capricious.

(3) Respondent No.4 in the writ petition had issued an advertisement calling for the applicants who are desirous of participating in the tender

process. The petitioner had participated in such tender process and he was informed that he is the highest bidder.

(4) Before entering into any contract with the petitioner, the respondents once again have passed an order dated 09-02-2007 canceling the earlier tender process and thereafter have issued an advertisement dated 16-03-2007.

(5) Learned counsel appearing for the petitioner would submit that the entire action of the respondents is not only arbitrary, but also capricious, therefore, this Court should interfere with the tender process initiated by respondent No.4.

(6) First and foremost, merely because the petitioner is the highest bidder he does not have any right to come before this Court and request this Court to quash the subsequent tender process initiated by the respondents. The person, who issued advertisement inviting applications from the applicants for participating in the tender process, has every right to recall the earlier tender process and to re-advertise. This appears to be the settled legal position of law.

(7) After going through the order passed by the respondent No.4 and the advertisement issued by him, we do not think that there is any arbitrariness in the action of the respondents. In that view of the matter, we do not intend to entertain this writ petition. Accordingly, the writ petition is rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd-/
Dilip Raosaheb Deshmukh
Judge